

| Substitute for form 1449/PTO  |                          |   |                                | Complete if Known                                  |                               |
|---|--------------------------|---|--------------------------------|--|-------------------------------|
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT<br>(Use as many sheets as necessary) |                          |   |                                | Application Number                                 | 10/805,686 & 90/007487        |
|   |                          |   |                                | Filing Date  | March 19, 2004                |
|   |                          |   |                                | First Named Inventor                               | Morris                        |
|   |                          |   |                                | Art Unit   | 3635                          |
|   |                          |   |                                | Examiner Name                                      | Jennifer Thissell Naoko SLACK |
| Sheet   | 1                        | of  | 2                              | Attorney Docket Number                             | 1915.17US03                   |
| U.S. PATENT DOCUMENTS   |                          |   |                                |  |                               |
| EXAMINER<br>INITIAL   | Cite<br>No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant<br>of Cited Document |                               |
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| EXAMINER<br>SIGNATURE   | Naoko Slack              |   | DATE                           | 10/31/05   |                               |

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|   |                          |  |                                | Examiner Name   | Jennifer Tolson Nako Slack     |
| Sheet   | 2                        | of   | 2                              | Attorney Docket Number                                | 1915.17US03                    |
| <b>U.S. PATENT DOCUMENTS</b>  |                          |  |                                |   |                                |
| EXAMINER<br>INITIAL <sup>1</sup>  | Cite<br>No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known)  | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant<br>of Cited Document    |                                |
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| EXAMINER<br>INITIAL <sup>1</sup>  | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published |                                |   | T <sup>2</sup>                 |
| Yes   |                          | Complaint for Patent Infringement, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 29 October 2004.  |                                |   |                                |
|   |                          | Answer to Complaint and Counterclaim, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 14 January 2005.   |                                |   |                                |
|   |                          | Reply to Defendant's Answer and Counterclaims, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 4 February 2005.  |                                |   |                                |
|   |                          | Memorandum of Law in Support of Plaintiff's Motion to Strike Defendant's Affirmative Defense of Inequitable Conduct, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 3 February 2005.  |                                |   |                                |
|   |                          | Opposition to Plaintiff's Motion to Strike Battels Plus' Defense of Inequitable Conduct, 2:04 CV 01005 PGC, U.S. District Court, District of Utah, 22 February 2005.   |                                |   |                                |
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| EXAMINER<br>SIGNATURE   |                          | DATE<br>CONSIDERED   |                                | 10/31/05  |                                |
| <small> <sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<br/> <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup>Applicant is to place a check mark (✓) if English language translation is attached.<br/>           This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.         </small> |                          |  |                                |   |                                |